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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,464	11/20/2001	Gunther Sejkora	366.150	8652

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EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,464

Applicant(s)

SEJKORA ET AL.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-7 and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson et al (5,396,350) in further view of Beeson et al (6,305,811)
3. Beeson '350 discloses the claimed invention except for reciting a reflector being shaped and arranged with reference to the lamp only light beams reflected from the reflector can exit the emission opening through the optical element. Beeson '811 discloses the reflector as such. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the reflector of Beeson '811 arranged with reference to the lamp of Beeson '350, since it is old and well known in the illumination art to provide a reflector to a light source in an illumination system for the purpose of reflecting and propagating light forward to a desired direction. With regards

to the exit angle being about 70 degrees, although Beeson '350 does not specifically recite the exit angle being 70 degrees, as shown in figures 2, 10 and 12 the exit angle is being interpreted as being about 70 degrees. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

- The reflector has an inner side towards said lamp which inner side is formed to be diffusely reflecting (Beeson '811).
- With regards to the inner side of the reflector is painted white or is coated with highly reflecting Teflon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use such reflective materials for a reflector since the aforementioned materials are well known in the art for their reflective properties.
- The luminaire includes two elongated lamps arranged parallel to one another and laterally offset with respect to said emission opening (Beeson '811).
- An annular lamp which is arranged laterally outwardly offset with respect to said emission opening (Beeson '811).
- The microprisms of said optical element are arranged in a matrix-like manner. (Beeson '350)
- The microprisms have an elongate structure (Beeson '350);

- The furrows between the microprisms are covered over by a reflecting material or are filled with a reflecting material, in order to prevent an entry of the light beams through the furrows into the microprisms (Beeson '350).

***Allowable Subject Matter***

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 12 and 13 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not recite the following:
  - A luminaire according to any of claims 1 to 3, further including a second optical element arranged to deflect light beams which enter into and exit from said second optical element, such that said light beams exit from said second optical element at an exit angle which is less than a predetermined limit exit angle, said second optical element being constructed in the same manner as the optical element; wherein said second optical element being formed with further microprisms which have an elongate structure, and said second optical element being arranged parallel to said optical element and the microprisms of said second optical element being directed transversely to the microprisms of said optical element.

- A luminaire comprising: an elongated lamp; an elongate reflector configured to surround said lamp, said reflector having an inner side the inner side facing towards the lamp and being formed to be reflecting, said reflector being formed with an emission opening for emission of light-, a first optical element arranged to deflect light beams which enter into and exit from said first optical element to exit from said first optical element at an exit angle which is smaller than a predetermined exit angle of about  $70^\circ$ , said first optical element having a plate-like core of transparent material which is occupied on a light exit side thereof with microprisms and furrows, said microprisms having roots from which said microprisms taper, and said microprisms of said first optical element having an elongate structure; and a second optical element arranged to deflect light beams which enter and exit from said second optical element to exit from said second optical element at an exit angle which is smaller than a predetermined limit exit angle; said second optical element being of the same construction as said first optical element and being formed with microprisms, the microprisms of said second optical element likewise having an elongate structure, said second optical element being arranged parallel to said first optical elements, said microprisms of said second optical element extending transversely to microprisms of said first optical element, and said inner side of said reflector being formed to be mirror a - reflecting, and being arranged with reference to said lamp that is substance no light beams are emit substance only light beams reflected at said reflector can exit said emission opening through said first optical element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT  
June 2, 2003



**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**